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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
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नई दिल्ली, सोमवार, अक्तूबर 29, 1984/कार्तिक 7, 1906

No. 527]

NEW DELHI, MONDAY, OCTOBER 29, 1984/KARTIKA 7, 1906

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate paging is given to this Part in order that it may be filed as a separate
compilation

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 29 अक्तूबर, 1984

का.आ. 810 (अ):--केन्द्रीय सरकार ने विधि विरुद्ध क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तारीख 1 मई, 1984 को नेशनल काउन्सिल आफ खालिस्तान को विधि विरुद्ध संगम घोषित किया था;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तारीख 16 अप्रैल, 1984 को विधि विरुद्ध क्रियाकलाप (निवारण) अधिकरण गठित किया था जिसमें मद्रास उच्च न्यायालय के न्यायमूर्ति श्री पी.आर. गोकुलाकृष्णन थे;

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना को इस बात का न्याय निर्णय करने के

प्रयोजनार्थ कि उक्त संगम को विधि विरुद्ध घोषित करने के लिए पर्याप्त कारण हैं या नहीं, 25 मई, 1984 को उक्त अधिकरण को निर्दिष्ट किया था;

और उक्त अधिकरण ने उक्त अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए 25 अक्तूबर, 1984 को आदेश पारित किया;

अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (4) के अनुसरण में उक्त अधिकरण का उक्त आदेश प्रकाशित करती है, अर्थात् :-

आदेश

विधि विरुद्ध क्रियाकलाप (निवारण) अधिकरण के समक्ष (अंग्रेजी में प्रकाशित अधिसूचना देखिए)

[सं. 2/17017/53/84-आई.एस. (यू.एस.डी.-2)]

डा. संदीप खन्ना, उप सचिव

MINISTRY OF HOME AFFAIRS

ORDER

NOTIFICATION

New Delhi, the 29th October, 1984

S.O. 810(E).—Whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967) declared on the 1st May, 1984 the 'National Council of Khalistan' to be an unlawful association;

And whereas the Central Government, in exercise of the powers conferred by sub-section (1) of section 5 of the said Act, constituted on the 16th April, 1984 the Unlawful Activities (Prevention) Tribunal consisting of Shri Justice P. R. Gokulakrishnan, Judge of the Madras High Court;

And whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, referred the notification to the said Tribunal on the 25th May, 1984 for the purpose of adjudicating whether or not there was sufficient cause for declaring the association as unlawful;

And whereas the said Tribunal in exercise of the powers conferred by sub-section (3) of section 4 of the Act made an order on the 25th October, 1984;

Now, therefore, in pursuance of sub-section (4) of section 4 of the said Act, the Central Government hereby publishes the said order of the said Tribunal, namely:—

BEFORE THE UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL, MADRAS

Thursday the Twenty-fifth day of October, One thousand nine hundred and eighty four.

PRESENT :

The Hon'ble Mr. Justice P. R. GOKULAKRISHNAN. (Judge, High Court of Judicature at Madras).

IN THE MATTER OF A REFERENCE UNDER SECTION 4(1) OF THE UNLAWFUL ACTIVITIES (PREVENTION) ACT, 1967.

(Central Act No. 37 of 1967)

and

IN THE MATTER OF THE NATIONAL COUNCIL OF KHALISTAN, AMRITSAR

Reference No. 3 of 1984

This reference coming on for inquiry under Section 4(3) of the Unlawful Activities (Prevention) Act, 1967 on the 21st day of September, 1984, in the Second Court Hall, High Court Buildings, Madras, and on the 5th, 6th, 8th, 9th and 15th days of October, 1984 at the Punjab Bhavan, New Delhi, in the presence of Mr. Anand Swarup, Advocate for the Central Government, on all the days, and the National Council of Khalistan, not appearing either through counsel or by authorised representative, the Tribunal pronounced the following.

This Tribunal is constituted by Notification dated 16th April, 1984, issued under Sub-Section (1) of Section 5 of the Unlawful Activities (Prevention) Act, hereinafter referred to as the 'Act', which is in the following terms:—

"(1) The Central Government, may, by notification, in the Official Gazette, constitute as and when necessary, a Tribunal to be known as the "Unlawful Activities (Prevention) Tribunal" consisting of one person to be appointed by the Central Government;

Provided that no person shall be so appointed unless he is a Judge of a High Court."

The necessity for the Central Government to constitute this Tribunal arose on account of certain activities carried on by certain "Associations" in the State of Punjab, which the Central Government considered as "Unlawful Activities", thereby rendering the said Associations which carried on such unlawful activities as "Unlawful Associations."

This therefore, leads to a discussion as to what the 'Act' means by the expressions "Association", "Unlawful Association" and "Unlawful Activities".

"Any combination or body of individuals" is an Association under Section 2(a) of the Act. What makes such an "Association" an "Unlawful Association" is dealt with in Section 2(g) of the Act.

"Any Association —

(1) which has for its object —

- (a) any Unlawful Activity; or
- (b) any activity which is punishable under Section 153-A I.P.C., or
- (c) any activity which is punishable under section 153-B I.P.C. or

(2) which encourages or aids persons —

- (a) to undertake any unlawful Activity; or
- (b) to undertake any activity punishable under section 153-A, I.P.C. or
- (c) to undertake any activity punishable under section 153-B, I.P.C. or

(3) whose members themselves —

- (a) undertakes any Unlawful activity; or
- (b) undertakes any activity punishable under section 153-A; I.P.C., or
- (c) undertake any activity punishable under section 153-B; I.P.C.

is an Unlawful Association. This again leads to an understanding of the meaning of the expression "Unlawful Activity" and what constitute offences under Section 153-A and 153-B of the Indian Penal Code.

Section 2(f) of the Act deals exhaustively, by whom, how and in what manner an "Unlawful Activity" may be committed.

An Unlawful Activity may be committed by--

- (1) an individual ; or
- (2) an Association.

Such activity may be committed--

- (1) by a physical act ; or
- (2) by words, spoken or written; or
- (3) by signs; or
- (4) by visible representations ; or
- (5) in any other manner.

Such activity may be --

- (1) to bring about the Cession of a part of the territory of India; or
- (2) to bring about the secession of a part of the territory of India; or
- (3) to disclaim the sovereignty and territorial integrity of India; or
- (4) to disrupt the sovereignty and territorial integrity of India.

It is not necessary that the aforesaid, should actually result from the actions of the Association. An intention on the part of the Association, to bring about cession or secession or a support by the Association to any such claim or an incitement given by the Association to any individual or group of individuals to do such activity or an intention on its part to disrupt the Sovereignty and territorial integrity of India also constitute 'Unlawful Activity'.

Any person--

- (i) who promotes enmity between different groups on grounds of religion, race, place of birth, residence, language etc. and does acts which are prejudicial to the maintenance of harmony and commits an offence under Section 153-A, I.P.C.;
- (ii) who makes imputations or assertions that are prejudicial to National Integration, commits an offence under Section 153-B, I.P.C.

The gravity of these offences is more, if they are committed in places of worship.

If an "Association" by indulging in "Unlawful Activities" becomes an "Unlawful Association" the Central Government has to issue a Notification in the Official Gazette declaring such Association as an 'Unlawful Association' [Section 2(1)]. The notification should specify the grounds, on which, it is issued and any other particulars considered necessary. [Section 3(2)]. Any fact which will be against public interest need not be disclosed [Proviso to Section 3(2)].

The Notification aforesaid should also be--

- (i) published in not less than one newspaper having circulation in the State in which the

Principal Office of the Association is situate; and

(ii) served--

- (a) by affixing a copy of the Notification in some conspicuous part of the Office of the Association;
- (b) on the Principal Office-bearers of the Association with a copy of the Notification;
- (c) by proclamation of the contents of the Notification; and
- (d) in such other manner as may be prescribed.

Within 30 days from its publication, the Central Government, shall, refer the Notification to a Tribunal, constituted under Section 5(1) of the Act, for adjudicating, whether or not, there is sufficient cause, for declaring the Association Unlawful, [Section 4(1)]. The Tribunal, shall, on receipt of the reference, issue notice to the affected Association to show cause, within thirty days from the date of service, as to why the Association should not be declared unlawful [Section 4(2)]. Rule 6 of the Rules framed under the Act prescribes the modes in which notice u/s 4(2) of the Act should be served. The Tribunal should consider the cause shown by the Association or its Office bearers or its members against the Notification, on receipt of the notice u/s 4(2) of the Act. The Tribunal should, thereafter hold an inquiry in the manner specified in Section 9 of the Act [Sec. 4(3)]. Section 9 of the Act states that the procedure to be followed by the Tribunal in holding an inquiry under Sec. 4(3), should, as far as possible, be the procedure laid down in the C.P.C. for investigation of claims, that is Order XVIII C.P.C. which deals with the hearing of the suit and the examination of witnesses. The Act also empowers the Tribunal to regulate its own procedure in all matters arising out of the discharge of its functions including the place or places, at which it will hold the sittings. [Sec. 5(5)].

Normally a Notification issued under Section 3(1) of the Act will have effect only when the Tribunal confirms the declaration made in the Notification and the Order confirming the declaration is published in the Official Gazette [Section 3(3)]. The Central Government has the power to give immediate effect to the Notification, provided it states the reasons in writing. In such a case, the Notification will have effect from the date of its publication in the Official Gazette.

The Tribunal is further vested with the power to call for additional information either from the Central Government or from any Office bearer or member of the Associations. For this purpose the Act empowers the Tribunal with the powers of a Civil Court under the Code of Civil Procedure in the matter of--

- (1) summoning and enforcing the attendance of any witness and examine him on oath;
- (2) the discovery and production of any document or material object;
- (3) the receiving of evidence on affidavits;

- (4) the requisitioning of any public record from any Court or office; and
- (5) the issuing of Commission for the examination of Witnesses [Section 5(6)].

The Tribunal, shall, thereafter, decide, whether or not, there is sufficient cause for declaring the Association unlawful. This should be done within six months from the date of issue of the Notification u/s 3(1) of the Act. The Tribunal, by this Order, may, either confirm the declaration in the Notification or cancel the same [Sec. 4(3)]. The Order of the Tribunal shall be published in the Official Gazette [Sec. 4(4)].

The Central Government, in the Gazette of India, Extra-Ordinary Part II Section 3 Sub-Section (ii) dated 1-5-1984 has issued the following Notification (Exhibit G, 2) :—

“S.O. 339(E). Whereas the Organisation known as “National Council of Khalistan” (hereinafter referred to as ‘the Council’)—

- (i) which had through the declaration of Shri Balbir Singh Sandhu, its Secretary General, proclaimed as its objective the establishment of an autonomous separate Sikh State of ‘Khalistan’ has been encouraging the secessionist and violent activities of the organisation known as “Dal Khalsa”;
- (ii) whose Secretary General Shri Balbir Singh Sandhu has been extending support to the demand for “Khalistan” a separate Sikh State in his talks with the newspaper correspondents and others and by hoisting a flag purporting to be the flag of the so-called Khalistan on the 26th January, 1984;
- (iii) whose President Dr. Jagjit Singh Chauhan had written to Shri Balbir Singh Sandhu regarding election of a new President for the Council and who had also issued a paper carrying Insignia of the so-called Republic of Khalistan;

And whereas the Central Government is of the opinion that for the reasons aforesaid the Council is an Unlawful Association;

And whereas the Central Government is further of the opinion that because of the talks, utterances, writings and other activities of the President and Secretary General of the Council, it is necessary to declare the Council to be Unlawful with immediate effect;

Now therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967, (Act 37 of 1967), the Central Government, hereby declares that ‘National Council of Khalistan’ to be an unlawful Association and directs, in exercise of the powers conferred by the proviso to sub-section (3) of that Section that this Notification shall, subject to any Order that may

be made under Section 4 of the said Act, have effect from the date of its publication in Official Gazette.”

Sd/-

L. N. GUPTA,

Joint Secretary to Government of India.

The Government of India, Ministry of Home Affairs, by letter No. 4/12/84-1 dated 25-5-1984 (Exhibit G, 3) had referred the aforesaid Notification to this Tribunal for adjudicating whether or not there is sufficient cause for declaring the National Council of Khalistan as Unlawful.

Notice under Section 4(2) of the Act was served on 8-8-84 on the ‘National Council of Khalistan’ and its Office bearers by registered Post prepaid for acknowledgment, by proclamation, by means of loud-speaker in and around the place in which the Principal Office of the Association is situate, by affixture on a conspicuous part of the Principal Office of the Association and by publication in English and Punjabi Dailies, having circulation in the place where the Principal Office of the Association is situate. In response to the notice issued under Section 4(2) of the Act, one Hargurnad Singh, Cashier of the National Council of Khalistan sent a written representation stating that he is not associated with the National Council of Khalistan. The Tribunal fixed the Preliminary hearing on 21-9-84 and caused notice of the same served on “National Council of Khalistan” and its Office-bearers by Registered post, by affixture, by proclamation and by publication in Newspapers. On 21-9-84, a telegram was received from Sri Sulkhan Singh, Advocate for Ujjagar Singh Randhawa and Master Hazara Singh, members of the National Council of Khalistan, informing the Tribunal that he has been engaged by the aforesaid members of the National Council of Khalistan and that he may be informed of the date of hearing and also furnished with a copy of the allegations.

The Central Government, on that day filed a list of witnesses to be examined on its behalf.

The Tribunal, in exercise of the powers conferred on it, by Section 5(5) of the Act, laid down the following procedure to be followed by it during the inquiry.

1. The Tribunal will hold its sittings at Punjab Bhavan, New Delhi from 4-10-1984 to 18-10-1984;

2. The further dates and places of sittings, if necessary, will be decided by the Tribunal, during its sittings at New Delhi.

3. The Tribunal will not undertake the responsibility of causing the production of witnesses to be examined on behalf of the Central Government or the affected association, nor will it issue commission for the examination of any witness to be examined on behalf of the Central Government or the affected association and it will be the duty of the respective parties to the inquiry to produce their witnesses.

A copy of the documents relied on by the Central Government and the list of witnesses to be examined

on behalf of the Central Government were sent to Sri Sulkhan Singh, Counsel for the two members of 'National Council of Khalistan' on 22-9-1984 by registered post prepaid for acknowledgment. The date of inquiry was also intimated to the said Counsel.

This Tribunal has, therefore, complied with all the procedural formalities necessary for the adjudication of the reference before it. It has now to be considered whether or not, there is sufficient cause for declaring the 'National Council of Khalistan' an Unlawful Association.

The Grounds furnished in the Notification for declaring 'National Council of Khalistan' an Unlawful Association are —

(1) Shri Balbir Singh Sandhu, the Secretary General of National Council of Khalistan—

- (a) proclaimed that the objective of National Council of Khalistan is the establishment of an autonomous, separate Sixth State of Khalistan ;
- (b) through his declarations, has been encouraging the secessionist and violent activities of 'Dal Khalsa' ;
- (c) has been extending support to the demand for 'Khalistan' a separate Sixth State in his talks with newspaper correspondents and others and by hoisting a flag purporting to be the flag of the so-called 'Khalistan' on 26-1-1984 ; and

(2) Dr. Jagjit Singh Chauhan, President of National Council of Khalistan:—

- (a) had written a letter to Shri Balbir Singh Sandhu regarding the election of a New President for the Council ;
- (b) has issued a paper carrying the Insignia of the so-called "Republic of Khalistan".

The grounds mentioned in the Notification show that the National Council of Khalistan is engaged in Unlawful activities. The Central Government has, therefore, to let in evidence to substantiate the above grounds. The Tribunal has also to consider the value of evidence that will be placed before it. In this context, it will be very relevant to state that the National Council of Khalistan was declared as an Unlawful Association by a Notification dated 1-5-1982 which was confirmed by a Tribunal constituted under the Act on 19-10-1982 (Exhibit G. 1). The notification dated 1-5-1982 as confirmed by Ex. G.1, remained in force for a period of two years from 1-5-1982 under Section 6 of the Act. Evidence should therefore, be adduced that the National Council of Khalistan had not abandoned its activities, but is still continuing, through the Office-bearers and members, to undertake unlawful activities, as defined in the Act.

It is relevant, at this stage, to note the nature and scope of the evidence that can be made available by the Central Government in support of its notification Ex. G.2. There is a ban on the National Council of Khalistan. During the period in which the order banning the National Council of Khalistan is in force,

neither the National Council of Khalistan, nor its office-bearers can carry on any of the activities openly. No one can be a member or continue to be a member of the National Council of Khalistan nor take part in its activities nor contribute to the National Council of Khalistan nor solicit contribution nor can assist in any of its operations. The aforesaid acts committed by any person after the National Council of Khalistan has been declared 'Unlawful' by notification dated 1-5-1982 and confirmed by Ex. G.1, are punishable under Section 10 of the Act. Similarly any person who takes part or commits any 'Unlawful activity' or advocates, abets, advises or incites the commission of any 'Unlawful activity' is punishable under Sec. 13 of the Act. The National Council of Khalistan and its Office-bearers can possibly undertake their unlawful activities only surreptitiously and by being underground or from foreign countries.

Rule 3 of the Rules framed under the Act states the rules of evidence embodied in the Indian Evidence Act are not strictly applicable to any inquiry under the Act. The expression "as far as practicable" used in Rule 3 clearly indicates that the Indian Evidence Act need not be followed strictly. The object of the Rule, in my opinion, is that in inquiries like the present one, one cannot expect that type of evidence as is expected in a Civil or Criminal proceeding before a Court of law. Further the scope of this inquiry is as to whether the Central Government has any sufficient material for imposing the ban on National Council of Khalistan. The Central Government should, therefore, have sufficient cause to justify the notification Ex. G.2 and continue the ban imposed on the National Council of Khalistan.

The Central Government, to justify the notification Ex. G.2, and to establish that the National Council of Khalistan, in spite of the ban imposed on it by notification dated 1-5-1982, is still continuing in its unlawful activities, has examined twelve witnesses and filed thirty one documents.

The National Council of Khalistan is not represented in the present inquiry. There is, therefore, no cross-examination of the witnesses examined by the Government.

Mr. Anand Swarup, learned counsel appearing for the Central Government, submitted that subsequent to the order of the Tribunal under Ex. G.1 dated 19-10-1982 confirming the declaration that National Council of Khalistan is an 'Unlawful Association', the evidence now let in in this inquiry, amply establishes that the unlawful activities continued to be undertaken by the National Council of Khalistan warranting confirmation of the Notification under Ex. G.2. The learned counsel further submitted that the very fact that one Mr. Sulkhan Singh, Advocate Amritsar, has sent a telegram to the Tribunal that he is representing Ujjagar Singh Randhawa and Maseter Hazara Singh, members of the National Council of Khalistan, and also the fact that the Cashier of the National Council of Khalistan, Hargurnad Singh, has written a letter to the Tribunal expressing that he is not associated with the National Council of Khalistan would bear out that the National Council of Khalistan had notice of the declaration made in Ex. G.2 Notification and the functioning of this Tribunal. Though the notice issued

under section 4(2) of the Act required the association to show cause, within thirty days from the date of service of notice against the declaration, till date, according to the learned counsel, no cause has been shown by the National Council of Khalistan or its office-bearers or members as to why the National Council of Khalistan should not be declared as 'Unlawful'. The Government, Mr. Anand Swarup submitted, by adducing the evidence of G.Ws 2 to G.W. 12 and tendering the documents Exs. G.3 to G.31, has established the 'Unlawful activities' that are carried on by the National Council of Khalistan even during the period the Notification dated 1-5-1982 as confirmed by Ex. G. 1 order, was in force. It is not necessary to set out the details of such activities, as stated by Mr. Anand Swarup, since I shall be dealing the same in detail while discussing the evidence, oral and documentary, in the succeeding paragraphs.

The points that arise for determination are :—

- (1) Whether the Notification dated 1-5-1984 is in accordance with the provisions of the Act?
- (2) Whether the Office-bearers of the National Council of Khalistan are undertaking activities which are intended to bring about the secession of a part of the territory of India from the Union and which are intended to disrupt the sovereignty and territorial integrity of India.
- (3) Whether the office-bearers of the National Council of Khalistan indulge in any activity which is punishable under Sec. 153-B of the I.P.C.
- (4) Whether there is sufficient cause for declaring the National Council of Khalistan an Unlawful Association?

POINT NO. 1 :

G.W. 1 is the Joint Secretary, Ministry of Home Affairs, Government of India, New Delhi. He handles matters relating to national security, communal harmony and national integration etc. In his evidence, he speaks about the previous notification dated 1st May, 1982 and the decision of the Tribunal confirming the notification declaring the National Council of Khalistan as an 'Unlawful Association'. The original notification is Ex.G.1. It is the evidence of G.W.1 that the members of the National Council of Khalistan and its members, according to the information received from the Government of Punjab and other sources, continued to engage themselves in unlawful activities inside and outside India and as such it was felt that there was need to declare the National Council of Khalistan as an 'Unlawful association' even after the expiry of the notification under Ex.G.1. G.W.1 testified that the Government of India took into account the views expressed by the Government of Punjab, reports submitted by the Government of Punjab as well as information received from other sources and then decided to declare the National Council of Khalistan as an 'Unlawful Association' with effect from 1st May, 1984. The notification declaring the association as an 'Unlawful

Association' has been published in the Gazette of India, Extra-Ordinary, and has been marked as Ex.G.2. Ex.G.2-Notification, according to him, was referred to this Tribunal for adjudication, on 25th May, 1984 under the letter marked as Ex.G.3.

G.W.1 stated in his evidence that the Central Government thought it fit to invoke the emergency provision to bring into effect the notification from the date of its very publication in the Gazette. According to him, the movement called the 'National Council of Khalistan' is engaged in serious anti-national and secessionist activities and it has become necessary for the Central Government to invoke the proviso to sub-section (3) of section 3 of the Act and such a reason for invoking the emergency provision has been given in the notification itself by stating "And Whereas the Central Government is further of the opinion that because of the talks, utterances, writings and other activities of the President and Secretary General of the Council, it is necessary to declare the Council to be unlawful with immediate effect". This particular portion in the Notification giving the reason for invoking the emergency provision, has been marked as Ex. G. 2(a).

G.W.1 also speaks about the publication of Ex.G.2-Notification. He states that the notification under Ex.G.2 dated 1st May, 1984 was announced through the All India Radio and the Doordarshan and was also published in newspapers having circulation in Ludhiana, Patiala, Jullunder, Chandigarh etc. To support this statement, he has produced into Court some of the newspapers in which this notification was published, and the same is marked as Ex.G.4 series. It is usual, according to this witness, that the Home Ministry addresses the Director of Advertising and Visual Publicity, Ministry of Information and Broadcasting for the purpose of making due publication of such notification. In this case also, such intimation was given to the said Director, and the Director, in turn, addressed the advertisement managers of 18 newspapers for publishing the notification in their newspapers, under copy addressed to the Home Ministry. The letter of the Director has been marked as Ex. G.5 through G.W.1.

There was no cross-examination of G.W.1, and his evidence supported by documentary evidence, in my opinion, is genuine and trustworthy. Thus, the evidence of G.W.1 clearly establishes that the Central Government had complied with the provisions of Section 3 of the Act in issuing the notification under Ex.G.2.

POINTS 2, 3 and 4

The evidence, both oral and documentary, adduced before this Tribunal, catalogue several instances of continued secessionist activities indulged in by the office-bearers of the National Council of Khalistan, and in particular by its President, Dr. Jagjit Singh Chauhan and its Secretary-General, Balbir Singh Sandhu.

G.W.2, Shri Harjit Singh, is the Superintendent of Police, C.I.D., Amritsar. In his evidence, he states that on 25th July, 1983 he came across a letter written by Dr. Jagjit Singh Chauhan President of the Republic of Khalistan addressed to Shri Balbir Singh

Sandhu, Secretary General, National Council of Khalistan. This letter, according to G.W.2, was produced before him by the Censor unit of the Police Department and the same was sent by him to the Inspector-General of Police, C.I.D. The original of that letter has been marked as Ex.G.6 through G.W.2. G-6 which bears the Insignia of 'Republic of Khalistan' and is addressed from the Camp Office U.K. namely No. 34, Fulmead Road, Reading Berkshire, RG. 3 BX, U.K. was written on 13th July, 1983, by Dr. Jagjit Singh Chohan proclaiming himself as the President of Republic of Khalistan, and addressed to S. Balbir Singh Sandhu, Secretary General, National Council of Khalistan, under-ground Head Quarters, Punjab. The letter runs thus :—

"The Government of Republic of Khalistan was proclaimed on 16th of June 1980 and you had asked me to act as the President of Republic of Khalistan. As per your orders, I have been doing my best to promote the cause of Khalistan. In my tenure of three years, I have been able to arouse the consciousness of Sikh masses and educate the Sikh leadership and create the world opinion about the plight of the Sikhs in India. I feel proud to submit you this report. The term of the President of Republic of Khalistan is four years. Now that is coming to its final year, you should summon a full house meeting of the National Council of Khalistan and ask them to elect the new President of Republic of Khalistan. The leaders in India cling to the posts of power and try to make it a family affair. The moral fibre of the leaders in general is degenerating to the extent that they put the self-interests and craze for clinging to power over the peoples and National interest. I want to set up an example of renunciation and create a precedent when no man should cling to power.

All this does not mean that I will run away from the struggle which the Panth Khalsa has waged for emancipation of people of Khalistan. This struggle of ours will continue till we complete the mission of Guru Gobind Singh, Guru Nanak of setting up a society, where there should be no exploitation of man, universal brotherhood and equality of mankind. I took the vow to fight for creation of Khalistan and I pray to Waheguru to help me to fulfil my vow till my last breath. This vow I took on the death bed of Shaheed Darshan Singh Pheruman.

All Akali leaders talk of Khalistan in their private conversation but make a different statement while talking to press. Perhaps they may be jealous or think me an obstacle in adopting this only programme which can solve the problems of the Sikhs i.e., Khalistan. You request Sant Longowal, Sant Jarnail Singh and other Akali leaders to nominate a new President and fulfilled government with the proper numbers of ministers under a Prime Minister and set up a parallel parliament of Republic of Khalistan. If in any case they are still reluctant or are afraid of announcing the parallel government you should ask the National Council of Khalistan to go ahead with this programme :

There is no use dying without a clear aim and object. You meet all the sikh leaders and convey them my views so that Panth may not waste energy for nothing. We must achieve something this time

Victory to Khalsa

Victory to Panth

Long Live Khalistan

Waheguru is with us now

In the service of Guru Panth
Sd/
Jagjit Singh.

N.B. : Kindly find herewith an English translation of the letter which I have written to Balbir Singh Sandhu, General Secretary of National Council of Khalistan."

The letter Ex. G. 6 was forwarded by G.W. 2 with his demi-official letter Ex. G. 7 to the Inspector General of Police, C.I.D.

It appears that the report of G.W. 2 was forwarded by the Deputy Inspector General of Police, C.I.D. Amritsar to Police Station Kothwali (E) Division and a case in F.I.R. No. 255 of 1983 was registered by an Inspector of Police at that station. G.W. 4, an Assistant-Sub-Inspector of Police, took up investigation on the F.I.R. Ex. G-9 is a photostat copy of the said F.I.R. As supervising officer, G.W. 3, the Deputy Superintendent of Police, Amritsar, sent a special report on 24-8-1983 on Ex. G-9 F.I.R. A photostat copy of the special report No. 492 is Ex. G. 8. It may be mentioned at this stage that the contents of Ex. G. 6, already extracted, are embodied both in Ex. G. 8 and G.9. The case under F.I.R. No. 255 of 1983 seems to be under investigation.

The letter Ex. G.6 in unmistakable terms refers to the aspirations of the President of the National Council of Khalistan for establishing a separate State, known as 'Khalistan' and for running a parallel Government by nominating ministers and Prime Minister for 'the Parliament of the Republic of Khalistan'. The President of this movement, in the letter Ex. G. 6, in unequivocal terms, has stated that he had taken a vow to create 'Khalistan' and would pray to Waheguru till his last breath to help him to fulfil his vow. In the address portion, it is stated "Under Ground Head Quarters, Punjab". These would clearly indicate the basic aim and ideology of the movement 'National Council of Khalistan' and how the said Council acts in secrecy to the detriment of the National Integrity, reaching clearly secession from the Indian Union, which would certainly amount to an 'Unlawful Activity' coming within the definition of Section 2(f) of the Act.

The next incident is the hoisting of the Khalistan flag and the reading over of the Constitution of Khalistan on 26th January 1984 by Balbir Singh Sandhu, Secretary General of the National Council of Khalistan inside the Golden Temple Complex. For this, there is the evidence of G.W. 2, G.W. 5, G.W. 6 and G.W. 12 and Exhibits, G.10, G.10(a), G.11, G.11(a), G.28, G.28(a) and G.31.

G.W. 2 Harjit Singh, Superintendent of Police C.I.D. Amritsar received oral information from his source that Balbir Singh Sandhu, Secretary General, National Council of Khalistan had hoisted the Khalistan Flag at Guru Ramdas Sarai and issued Cyclostyled copies of the Constitution of the Republic of Khalistan. The source also supplied G.W. 2 a copy of the Constitution. G.W.2 had reported on 28-1-84 in Ex. G.28 [its English translation is Ex. G.28(a)] that he had already forwarded the copy of the Constitution to the Superintendent of Police, Special Branch C.I.D. at Chandigarh. He also speaks to the registration of a case on the basis of the Constitution.

G.W.12, Shri Sitaldoss, Superintendent of Police, City Amritsar also got information from his source on 26-1-1984 about the release of the Constitution of Khalistan in Golden Temple Complex by Balbir Singh Sandhu. The source told G.W.12 that Balbir Singh Sandhu read out the Constitution on 26-1-84 and also released the copies thereof and the said source also supplied G.W.12 with a copy of the said Constitution. Its photostat copy is Ex. G.31. G.W.12 forwarded the original of Ex. G.31, he got from his source to G.W.5 for registering a case.

G.W.5 Sub-Inspector Police, Kotwali Amritsar, received on 27-1-84, from GW. 12, Superintendent of Police, City, Amritsar, a report about the hoisting of the Khalistan flag and reading over the Constitution of Khalistan inside the Golden Temple Complex on the Republic day viz., 26-1-1984 by Balbir Singh Sandhu, Secretary General of the National Council of Khalistan. G.W.5 registered a case in F.I.R. No. 48 on the basis of the said report under sections 153-A and 124-A, I.P.C. against Balbir Singh Sandhu. Ex. G.10 is a photostat copy of the F.I.R. and Ex.G.10(a) is its English translation. G.W.5 sent his special report thereon to his superiors under the original of Ex. G.11, its English translation being Ex. G.11(a). G.W.6 Assistant Sub Inspector of Police of the same Police Station took up Investigation in the case. He could not arrest principal accused Balbir Singh Sandhu as the latter was living in Gurunanak Niwas in Darbar Sahib where police could not enter. G.W.6 states that the case is still under investigation.

Ex. G.31 is the photostat copy of the Constitution released by Balbir Singh Sandhu and obtained by G.W.12 from his source. It bears the seal of the National Council of Khalistan, Ex.G.10, F.I.R., and G.11 special report also contains the Constitution read out by Balbir Singh Sandhu while hoisting the Khalistan flag inside the Golden Temple complex on the Republic day viz., 26-1-1984. It is necessary to notice the main features of the Constitution read out by Balbir Singh Sandhu, which are as follows :—

“Khalsa Rai will be established following the doctrines of Sikhs. In that Rai, the Sikh Religion will be protected through its Constitution. In Khalsa Rai, every citizen will have equal rights, right to work and offer prayers in accordance with the principles envisaged by Guru Nanak Devji. There will be supremacy of the Khalsa in its true perspectives, Khalistan would be called the

‘Republic of Khalistan’ and would include the existing Punjabi Suba and left out Punjabi speaking areas of Himachal, Haryana, Chandigarh and Rajasthan would be its integral part. The injustice done to Punjabi Suba at the time of its formation by keeping certain Punjabi-speaking areas of Himachal, Haryana and Rajasthan is not acceptable to the Khalsa Panth.”

As regards ‘Political set-up’ Balbir Singh Sandhu is purported to have declared that in the Republic of Khalistan there would be only one ruling party, namely Sharomani Panthic Jathebandi and its power would be supreme over and above the Government. Each and every member of the ruling Panthic Jathebandi would be Amirithdhari and follower of the tenets of Akal Takhat Sahib. The members would keep no connection with the persons, belonging to any other religion and any other sect opposed to Sikh thinking. The paramount work of the Jathebandi would be the implementation of the truth and San-kalap. The Jathebandi would keep a close liaison with the Government and guage its working very minutely.

As regards the Administrative set up, the declaration in the Constitution, read out by Balbir Singh Sandhu, is that the Republic of Khalistan would be of Presidential form, but the real power of Khalistan would be in the hands of the Khalsa Panchayats which would be formed at village level. The election of the members of Khalsa Panchayats would be held in the presence of village Sangat and would be strictly according to the dogmas of Sikhism and the guiding principles given in the Holy Guru Granth Sahib.

As regards ‘Citizenship, the declaration is that the Government of Republic of Khalistan would grant Citizenship rights to all those Sikhs who are residing in foreign countries like India, England, Canada, America etc., who originally belonged to Khalistan or whose parents and near relatives are residing there.

As regards official language, the declaration states that the Punaibi with Gurmukhi script would be the official language of the Republic of Khalistan.

A separate economic policy is spelt out in the Declaration under the heading “Economic, Materialistic and Cultural Policy and Special Rights to Persons”.

Like economic policy, judicial policy also has been outlined in the Declaration.

As regards foreign policy, it is stated that Khalistan Government would have good and cordial relations with the States having treaties with the Khalsa Raj. Treaties on commercial and development matters would be made on the basis of mutual understanding and sociability and there would be sentiments for the welfare of all.

Coming to religion, the Declaration is that the Khalistan Government would be committed to maintain the sanctity of the religious historical centres and would convey the Ideals of Sikhism, Sikh history, Sikh doctrine and Panthic traditions to the masses by extensive propaganda within the City and outside it.

The Declaration has also spelt out the importance of Akal Takhat Sahib. The advice of Jath Akal Takhat to the Administration i.e., Rashtrapathi, would be fully honoured and it would be necessary to implement his advice regarding Panthic ideology. Akal Takhat will have the power to gather the whole Khalsas in case the Rashtrapathi ignores the Panthic doctrines and the interests of Sikh Religion and the verdict of the Khalsas will be final. The Declaration gives full power to Jath Akal Takhat to take action against the Panthic traitors and against persons working against the interests of Panth.

The next incident is the establishment of 'Sarkar-E-Khalsa' and the formation of the 'Jangi Council (Sarb Loh)' by Balbir Singh Sandhu, Secretary General of the National Council of Khalistan. This is made clear from the evidence of G.W.2 and G.W.7 and Exhibits G.12, G.12(a), G.13, G.13(a), G.14, G.29, G.29(a) and G.30.

G.W.2, Harjit Singh Superintendent of Police C.I.D. Amritsar, received information from his source on 13-1-1984 that Balbir Singh Sandhu had formed the Sarkar-E-Khalsa of the United Sikh State of Khalistan at Anandpur Sahib. G.W.2 directed his Inspector Balbir Singh to send a report, photostat copy of which is Ex. G.29 and its English translation Ex. G.29(a) to the Inspector General of Police C.I.D. Punjab at Chandigarh. He also sent a detailed report, photostat copy of which is Ex. G.30, to the I.G. of Police of 14-1-84.

G.W.7, Station House Officer, Police Station Anandpur Sahib, District Ropar, received on 10-2-1984 a letter bearing No. 81/F dated 10-2-1984 from the Superintendent of Police; Ex. G.12 is that letter and Ex. G.12(a) is its English translation. On the basis of that letter, he registered a case in F.I.R. No. 17. The photostat copy of that F.I.R. is Ex. G.13 and its English translation is Ex. G.13(a)—G.W.7 investigated the case and it is still pending since no arrest could be made as the concerned accused persons have taken shelter inside the Golden Temple Complex. Along with Ex. G.12 letter, G.W.7 also received a photostat copy of the poster which is marked as Ex. G.14. Ex. G.14 is incorporated in Ex. G.13 and it also finds a place in the English translation of the F.I.R. Ex. G.13(a).

Ex. G.14 poster relates to the declaration and formation of Sarkar-E-Khalsa by the National Council of Khalistan and also the formation of a 21 Member Jangi (War Council) consisting of intellectuals, former Civil and Army Officers, Professors, Doctors etc., whose names are kept secret.

Ex. G.14 narrates the reasons necessitating the concept of 'Khalsa Raj'. It states that the Hindu rulers have enslaved the Sikhs and not content with this they are vigorously trying to ruin Sikhism and the Golden principles of Sikh Gurumat system as they had done, in the past, to Buddhism. It states that the Sikh Nation and Sikh leaders are ill-treated and disgraced at all levels, that in these days Brahminism, and its dominated Government, and the whole of Hindu Community are actively engaged to defame the Sikh Nation, Sikh Religious places and Akal Takhat

and are making every derogatory and obscene remarks to Sikh religion and their holy books, that the Hindu dominated Government has enforced the Constitution framed by idol worshippers i.e., the Hindus, on Sikhs in such a way that it has become difficult for the Sikhs to act independently and to get freedom from it and that the only way out is to 'cut it off'.

Ex. G.14 also contain the directions of the Jang Council. A few of the directions preaches anti-Hindu feeling. It prohibits Idol-worship. It directs the punishment and annihilation of Hindus and those supporting the Hindus. This statement in Ex. G.14 sows in the minds of the Sikhs a feeling of hatred against Hindus and tends to create disharmony between the Sikhs and the Hindus.

Ex. G.14 then states that to fulfil the concept of Khalsa Raj, the United Sikh States of Khalistan had announced on 10-1-84 the Constitution of an interim Government of Sarkar-E-Khalsa at Anandapur Sahib and a 21 members Jangi Council till a regular Government is formed. Ex. G.14 contains the directions of the Jangi Council which has to be obeyed by the entire Sikh Panth. Anybody opposing the directions will be deemed a traitor of the Khalsa Panth and a pro-Hindu and punished deterently. It also gives the territory of United Sikh States of Khalistan which comprises of the areas that constituted Punjab in 1966 and the areas of Delhi, Haryana, Himachal Pradesh, Rajasthan and Gujarat upto the sea-shore. The Sarkar-E-Khalsa will try to get recognition and assistance from Foreign Governments. The Jangi-Council, in Ex. G.14, had given directions to the Sikhs to carry arms, teach a lesson to the Hindu army and police and annihilate them. It directs the annexation of the treasuries and other resources of the Hindu with Sarkar-E-Khalsa and the contribution of funds by the Sikhs for the Dharm Yudh. It also directs the Sikhs in the Indian Army, Air Force, Navy and Police to revolt and participate in the Khalsa Dharm Yudh. It further directs that anybody taking part in elections under Hindu Constitution would be regarded as a traitor and done away with and that Sikh Organisations supporting Sarkar-E-Khalsa would be honoured.

G.W.2 had also extracted the above salient features contained in the directions of the Jangi Council in Ex. G.30 report. Ex. G.14 and G.30 read with the evidence of G.W.2, clearly shows that Balbir Singh Sandhu, the Secretary General of the National Council of Khalistan had, on 10-1-1984, announced the Constitution of a 'Jangi' Council till the formation of an interim Government of Sarkar-E-Khalsa and had virtually established a separate independent Sikh nation, cutting away from the Union of India.

The next incident is the certificate issued by Balbir Singh Sandhu, Secretary General, National Council of Khalistan on 19-12-82 in the letter head of Shiromani Akali Dhal (Revolutionary) to one Baljit Kaur daughter of S. Darshan Singh, Village Preet Nagar, Post Office Zahura, Police Station Tanda, Tehsil Dasuyya, District Hoshiarpur, Punjab. This is spoken to by G.W. 8, who had also filed Exhibits G. 15, G. 15(a), G. 16 and G. 17.

G.W. 8, Sucha Singh, Detective Staff, Hoshiarpur, stated that when he was working as the Station House Officer, Police Station Tanda, District Hoshiarpur on 16-7-1983 he received a letter dated 16-7-1983, the original of which is Ex. G.15 and the Photostat copy of the same is Ex. G.15(a) from the Additional Superintendent of Police enclosing a certificate (Ex. G. 16) on the letter-pad of Shiromani Akali Dal (Revolutionary) signed by Balbir Singh Sandhu, Secretary General, National Council of Khalistan issued to one Baljit Kaur.

G.W. 8, registered a case in F.I.R. 203 dated the 16-7-1983 (Ex. G.17) on the basis of Ex. G.15 and G.16, and which is still under investigation. He could not arrest either Baljit Kaur or Balbir Singh Sandhu in this connection since the former had proceeded to Canada, while the latter had taken refuge inside the Golden Temple Complex. Ex. G.16 certificate is reproduced in Ex. G.15 and G.15(a) as well as Ex. G.17. Ex. G.15(a) reads as follows :—

"TO WHOM IT MAY CONCERN

This is to certify that Baljit Kaur d/o S. Darshan Singh Village Preet Nagar Post Office Zahura Police Station, Tanda Tehsil Dasuya District, Hoshiarpur Punjab (India) is a permanent Senior Member and donator of the Shiromani Akali Dal (Revolutionary) since 25th December 1979. Baljit Kaur is not only the well wisher of the Khalistan party but also is fighting for the policies of the party to win the race for its Agenda. She has rendered good services to get freedom for the free KHALISTAN in the organisation National Council of Khalistan also. In the present movement, Baljit Kaur is doing her best for the programme of National Council of Khalistan.

Baljit Kaur had also been deputed by the party to make publicity of the programme of the party agenda and its policies and also to take view of the Indian people and foreign people at the world level. We appeal to the Sikh Brotherhood and other Foreign Nationals to give every kind of facilities and help her in her mission during the period she stays outside India. Baljit Kaur is the great laborious honest and untired and we wish her all the success in her mission and party expect the maximum from her.

Sd. Balbir Singh Sandhu
Secretary General
National Council of
Khalistan.
19-12-1982.

SEAL

National Council of

Khalistan—17-12-1982"

Exhibit G.16 states that the programme of the National Council of Khalistan is to get freedom for the free Khalistan, that is an independent sovereign Sikh State, cut off from the Indian Union. It also further state that the National Council of Khalistan wants to publicise its programmes and policies and also wants to have the views of the Indian and foreign people at the world level on its policies and programmes, which is nothing but the establishment of a sovereign independent Sikh State seceding from the Indian Union. G.16 bears the seal of 'The National Council of Khalistan' and it is signed by its Secretary General Balbir Singh Sandhu.

The next instance of 'the National Council of Khalistan in its persistence in unlawful activity even after the ban imposed on it by notification dated 1-5-82 i.e., the interview, which Sanjeev Gaur, correspondent of the Express News Service had with Balbir Singh Sandhu on 17-4-1983 in Guru Nanak Niwas within the Golden Temple Complex, as spoken to by G.W.9 and Exhibits G.18, G.20 and G.20(a).

G.W. 9 Durgadoss was the Station House Officer in charge of Police Station Kotwali, Amritsar on 14-5-1983. On that day he received a letter dated 12-5-83 (Ex. G.19) from the Office of the D.I.G., C.I.D. Punjab through the Senior Superintendent of Police, Amritsar, Shri S.S. Bains, enclosing a news item which appeared in the Indian Express dated 18-4-83 (Ex. G.18). On the basis of Ex. G.18 and G.19 he registered F.I.R. 168 dated 14-5-1983 (Ex. G.20), its English translation Ex. G.20(a) and took up investigation. During the investigation, he examined Sanjeev Gaur, who interviewed Balbir Singh Sandhu. The said Sanjeev Gaur told G.W.9, during investigation, that in the course of his duties as correspondent of Indian Express Newspaper, he, on 17-4-1983, in Room No. 32, Guru Nanak Niwas, met Balbir Singh Sandhu, who calls himself Secretary General, National Council of Khalistan, which was banned, as an unlawful Association, for indulging in anti-national activities, and for demanding a separate Sikh State, and who told him that in spite of the ban imposed on the Organisation, the Office of the National Council of Khalistan is functioning in Room No. 32, Guru Nanak Niwas, which is a Cantonment of Sikhs and he had a right to use it. Sanjeev Gaur further told G.W. 9 during the investigation that Balbir Singh Sandhu had told him that the members of his Organisation namely 'The National Council of Khalistan', support the demand for Khalistan. Balbir Singh Sandhu is further stated to have told Sanjeev Gaur that the real and main aim of the Sikhs is to secure a separate sovereign sikh State and that the day is not far off when the Sikhs will secure a separate Sovereign Sikh State. Ex. G.18, which is incorporated in Ex. G.20 and Ex. G.20(a), is the newspaper report of the interview which Sanjeev Gaur had with Balbir Singh Sandhu, the Secretary General of National Council of Khalistan. It is reported in Ex. G.18 that a number of posters hailing 'Khalistan' have been displayed in Room No. 32, Guru Nanak Niwas, where the interview with Balbir Singh Sandhu was held.

A News item published in the Hind Samachar dated 26-4-83 with the Caption "For the independence of Sikhs War with India is inevitable" is another instance of the continued Unlawful Activity of the National Council of Khalistan. G.W.9 and G.W.10 and Exhibits G.21, G.22, G.23, G.23(a) and G. 24 speak to his fact.

G.W. 9, Durgadoss stated that while he was working as Station House Officer, Police Station Kotwali, Amritsar on 14-5-1983, he received a letter No. 17101/BDSB/2 dated 12-5-83 (Exhibit G.22) from the D.I.G. of Police, C.I.D. Punjab at Chandigarh enclosing a news item published in Hind Samachar dated 26-4-83 (Ex. G.21) with the heading "for the independence of Sikhs, war with India, is inevitable", and that on the basis of Ex. G.21 and G. 22, he registered F.I.R. 169 dated 14-5-1983 under Section 13 of the Unlawful Activities (Prevention) Act 1967 (Ex. G.23, and its English Translation is Ex. G.23(a).

G.W. 10, Gobind Singh, to whom Ex. G.23 was entrusted for investigation by G.W. 9, Durga Das, is the Assistant Sub Inspector of Police, Police Station Kotwali, Amritsar. G.W. 10 interrogated Surender Arora Reporter of the U.N.I. Jallunder and Ravindar Kapila, representative of the Hind Samachar group of newspapers. Surender Arora told G.W.10 that he sent a news item which was received by him from the Delhi Head Office of U.N.I. for publication in Hind Samachar Group of News papers, which was published in Hind Samachar on 26-4-1983 under the heading "For the Independence of Sikhs war with India is inevitable". Ravindar Kapila told G.W.10 during investigation that the news item with the heading "For the independence of Sikhs, war with India is inevitable" was received by Hind Samachar on 25-4-1983 from U.N.I. Jallunder and it was published in Hind Samachar dated 26-4-1983.

The News item is published in the Hind Samachar dated 26-4-1983 (Ex. G.24). Its photostat copy is Ex. G.21 which is again incorporated in Ex. G.23. Ex. G.23(a) is the English translation of Ex. G.23. This is an interview given by Balbir Singh Sandhu, the Secretary General, National Council of Khalistan, to Associated Press. Balbir Singh Sandhu said in the interview that War of the Sikhs with India is inevitable for attainment of independence, and that when any nation wants to maintain its supremacy the battle field can only be the negotiating table. Balbir Singh Sandhu further said that in case he is ousted from Guru Nanak Niwas, it would have no effect on the movement because, the Headquarters of Khalistan is at Chandigarh in a "Secret place underground", from where all important decisions are taken and instructions to workers issued. Balbir Singh Sandhu also said that Khalistan would comprise of the present area of Punjab and other Punjabi speaking areas of other three states and that Treaties would be made with Pakistan. The political structure of Khalistan, Balbir Singh Sandhu said, would be based on Sikh principles of equality and its dogma.

A statement given by Balbir Singh Sandhu, Secretary General, National Council of Khalistan, "war in Punjab is inevitable", is another instance placed by the Central Government for the continued Unlawful Activity carried on by the National Council of

Khalistan, even after it was banned. G.W.11 and Exhibits G.25, G.25(a) G.25(b) and G.26 speak about this aspect.

G.W.11 Shri Pirthipal Singh, was Deputy Superintendent of Police, C.I.D. Special Branch, Chandigarh from September 1981 till the date of his retirement on 30-9-1983. He was aware that the National Council of Khalistan was declared as an Unlawful Association by Notification dated 1-5-1982 but it still continues its activities in India and abroad. G.W.11 stated that Dr. Jagjit Singh Chauhan, President of the National Council of Khalistan continued his anti-national activities and secessionist activities from United Kingdom and U.S.A. while Balbir Singh Sandhu, the Secretary General continued the anti-national and secessionist activities from the Golden Temple Complex, where he had taken refuge. G.W.11 was provided, by his source, with a copy of Des-Per-Des dated 6-5-1983 (Ex. G.25) a Punjabi weekly published from London. Ex. G.25 continued at page 46 thereof a statement (Ex. G.25(a) of Balbir Singh Sandhu wherein it is stated that for achievement of Khalistan, war in Punjab is inevitable. This statement was also published in the Indian Express dated 8-5-1983 (Ex. G.26) which was supplied to G.W.11 by a member of his staff. G.W.11 stated that Balbir Singh Sandhu had said in the statement that the National Council of Khalistan had established Offices at Chandigarh, Kanpur, Delhi and Bombay which operate in secret without disclosing their strategy and a 21 member executive body of the National Council of Khalistan has been nominated of whom eleven are in India and the rest are in abroad. G.W.11 further states that Balbir Singh Sandhu had further stated in the interview that Dr. Jagjit Singh Chauhan, the President of National Council of Khalistan is keeping in touch with Sant Jarnail Singh Brindranwale, the militant Sikh leader, through the National Council of Khalistan.

Ex. G.25(b) and Ex. G.26 are stated to be one and the same and they are English translations of Ex. G.25(a). It is stated therein by Balbir Singh Sandhu, the Secretary General of National Council of Khalistan "we shall continue our struggle till we achieve a separate Sikh State which will be called "Khalistan". Tracing his association with Dr. Jagjit Singh Chauhan, Balbir Singh Sandhu said in the statement that before setting up the National Council of Khalistan on 13-4-1980, they held a convention on 20-5-1979 wherein they declared that their ultimate aim was to have a separate Sikh State which would be called "Khalistan". To a query as to what the National Council of Khalistan was doing for the creation of Khalistan, Balbir Singh Sandhu had stated as follows:

"We do not disclose our strategy. There are 21 executive members of the Organisation. Eleven of them are in India and the rest are abroad. We operate in secrecy."

Balbir Singh Sandhu also referred to the Akali Leaders in his statement and stated that they all favour the creation of Khalistan but unfortunately most of them do not have the courage to support the demand openly.

The next instance placed by the Central Government about the secessionist activity of the National

Council of Khalistan, even after it was banned, is the letter sent by one Avtar Singh, who proclaims himself as the Director of Public Relations of the Republic of Khalistan. This letter was produced by G.W.11 and marked as Ex. G.27.

G.W.11 Shri Pirthipal Singh, who was Deputy Superintendent of Police, C.I.D. Special Branch, Chandigarh from September 1981 to 30-9-1983 stated that his source supplied him with a letter which he obtained surreptitiously from the Office of Balbir Singh Sandhu in Room No. 32, Guru Nanak Niwas and took back after he (G.W.11) had got a photostat copy of the same which is Ex. G.27. G.W.11 further stated that the original of Ex. G.27 was issued on the letter head of "The Republic of Khalistan" with the Insignia of Khalistan printed on it, from Toronto, Canada by one Avtar Singh, Director of Public Relations of the Republic of Khalistan and that the main content of the original of Exhibit G.27 is that Dr. Jagjit Singh Chauhan as the President of the Republic of Khalistan had toured Canada, U.S.A. and opened Consulates of the Republic of Khalistan at several cities in Canada and U.S.A.

From Ex. G.27, it is seen that if original is in the letter head of the Republic of Khalistan. It bears the Insignia of Khalistan. It states that Dr. Jagjit Singh President of Republic of Khalistan had visited towns in Canada and U.S.A. where a warm reception was extended to him by the Sikhs. Dr. Jagjit Singh, in G.27 states, that he had performed the opening ceremony of the Consulates in Toronto, Winnipeg, Yuba City, San Francisco, Los Angeles, Houston, Washington and New York and announced the appointment of Consulates by issuing a special Gazette Notification from his Camp Office. G.27 further states that the Government of the Republic of Khalistan has issued its passport which will be officially released on 13-4-1981 before the Holy Akal Thakt Sahib by the Chief Secretary. Ex. G.27 also states that every citizen of Khalistan can continue to be a citizen of another country and that dual citizenship is one of the provisions of the Constitution of the Republic of Khalistan.

From the above discussion of evidence it is seen that Ex. G.6 letter in an unequivocal terms recites that the President of the National Council of Khalistan by name Dr. Jagjit Singh Chauhan, has taken a vow to create 'Khalistan' by seceding from the Indian Union. This letter Ex. G.6 was obtained through the censor unit of the Police. It was written by Dr. Jagjit Singh Chauhan, President of the National Council of Khalistan to Balbir Singh Sandhu, the Secretary-General of the National Council of Khalistan. As noticed earlier, Ex. G.6 bears the insignia of 'Republic of Khalistan' and has been addressed from the "Camp office, U.K.", namely, "No. 34, Fulmead Road, Reading Berkshire, RG. 3, IJK, U.K.". G.W.2 Harjit Singh, Superintendent of Police, C.I.D. Amritsar, came across this letter through his source on 25th July, 1983. On the basis of Ex. G.6, F.I.R. No. 255 of 1983 was registered, the photostat copy of the F.I.R. being Ex. G.9, G.W.4. Assistant Sub Inspector, Police—Station Kothwali (E) Division, Amritsar, speaks about the investigation he made on the basis of F.I.R. 255 of 1983. There is absolutely no infirmity in the evidence

adduced on this aspect by the Central Government and it can be safely taken that Ex. G.6 letter was written by the President of the National Council of Khalistan who is in England to its Secretary General who is in India. Ex. G.6 amply establishes the 'Unlawful activity' the movement is carrying on in spite of it being declared on 'unlawful association' as early as 1982 under Ex. G.1.

Further G.W. 2 and G.W. 12, as disclosed by their evidence, received the copy of the Constitution read out by Balbir Singh Sandhu, the Secretary General of the National Council of Khalistan on the 26th of January, 1984, at the Golden Temple Complex. On that day, it is their evidence that both of them learnt from their sources that Balbir Singh Sandhu also hoisted the Khalistan flag inside the Golden Temple Complex. On the basis of this information and the reports sent by G.W.2 and G.W.12, G.W.5 registered a case in F.I.R. No.-48 of 1984 under Sections 153-A and 124-A I.P.C. against Balbir Singh Sandhu, and G.W. 6 investigated it. Ex. G.10 is the photostat copy of the F.I.R. Ex. G.31 is the photostat copy of the Constitution read out and released by Balbir Singh Sandhu and the same was supplied to G.W.12 by his source. Ex. G.31 bears the seal of the National Council of Khalistan. The Constitution read out by Balbir Singh Sandhu, the terms of which have already been set out in the paragraphs supra, clearly establishes the intention of the National Council of Khalistan to secede from the Indian Union by promulgating an independent Constitution for the State of Khalistan. There is absolutely nothing to disbelieve the evidence of G.W.2 and G.W.12 which makes it clear that such a Constitution was read out by Balbir Singh Sandhu, the Secretary General of the National Council of Khalistan inside the Golden Temple Complex on 26th January, 1983. The basic ideology spelt out by Ex. G.31 Constitution of which terms have been extensively set out already, amply bears out the unequivocal intent of the National Council of Khalistan to secede from the Indian Union and establish an independent State of Khalistan.

Further, the evidence of G.W.2 also makes out the formation of Sarkar-E-Khalsa by Balbir Singh Sandhu. The relevant document is a poster which has been marked as Ex. G.14 in this case. Ex. G.14 poster declares the formation of Sarkar-E-Khalsa by the National Council of Khalistan and also the formation of a 21-Member Jangi Council (war Council) consisting of intellectuals, former Civil and Army Officers, Professors, Doctors etc., whose names are kept secret, I have already discussed in detail the contents of Ex. G.14 in paragraphs supra. Ex. G.14 clearly spells out the aim to annihilate all Hindus and those supporting Hindus. It also aims at establishing 'Khalsa Raj'. Towards that end, a Jangi was established. These particulars contained in Ex. G.14 have also been extracted in the report of G.W.2 marked as Ex. G.30. Thus, the evidence of G.W.2 read with Exs. G.14 and G.30 shows that Balbir Singh Sandhu, Secretary-General of the National Council of Khalistan had on 14-1-1984 announced a Constitution of a Sarkar-E-Khalsa and a Jangi Council till the formation of an interim Government of Sarkar-E-Khalsa and had virtually established a separate and independent Sikh Nation cutting away from the Union of India. There is absolutely nothing

on record to disbelieve the evidence on this aspect, and this clearly makes out 'secessionist activity' undertaken by the National Council of Khalistan apart from attracting punishment under Sections 153-A and 153-B of the I.P.C.

As regards the certificate issued to one Baljit Kaur, G.W.8, Detective Staff of Hoshiarpur Police Station, speaks about the registration of a case in F.I.R. No. 203 on 16-7-1983 on the basis of the certificate. He would say that Ex. G.16 is a photostat copy of the certificate issued by Balbir Singh Sandhu, Secretary-General of the National Council of Khalistan. According to him, Ex. G.16 was received by him with a covering letter Ex. G.15 from the Additional Superintendent of Police, Hoshiarpur. Of course, Ex. G.16 is on the letter pad of Shiromani Akhali Dal, signed by Balbir Singh Sandhu. However, no evidence has been let in to substantiate the authenticity of Ex. G.16 and none has tendered evidence to show as to how Ex. G.16 photostat copy of the certificate came into the possession of the Additional Superintendent of Police, Hoshiarpur. Hence I do not think Ex. G.16 can be of any assistance to the Central Government to prove its case.

Further it is in the evidence of G.W.9, Station House Officer, at present Police-station Mukerian, District Hoshiarpur, that he recorded the statement of Sanjiv Gaur, a correspondent of the "Express News Service" on the basis of the news report contained in the Indian Express dated 18-4-1983. Ex. G.18 is a photostat copy of the said news item. Ex. G.20 is a photostat copy of the F.I.R. registered on the basis of Ex. G.18, and its English translation is Ex. G.20(a). I have already set out the evidence of G.W.9 in detail where he speaks about the statement given by Sanjiv Gaur to him. The statement given by Sanjiv Gaur amply establishes anti-national activities and the demand of a separate Sikh State by the National Council of Khalistan. There is nothing on record to discredit the testimony of G.W.9. The evidence on this aspect affords sufficient cause to conclude about the anti-national activities undertaken by the National Council of Khalistan even after the notification under Ex. G.1.

To the same effect is the evidence of G.W. 10 'Gobind Singh, who took the statement of Surender Aroa, Reporter in the office of the U.N.I. and Revindar Kapila, Representative of 'Hind Samachar' group of newspapers. The statements taken by G.W.10 from the two persons have been elaborately set out in paragraphs supra. They amply provide sufficient cause to conclude about the secessionist activities undertaken by the National Council of Khalistan.

Further the statement of Balbir Singh Sandhu Secretary General of the National Council of Khalistan to the effect "War in Punjab is inevitable" is borne out by the evidence of G.W. 11 and Ex. G.25 G.25(a) and G.25(b). Ex. G.25 is a Punjabi Weekly published from London. At page 46 thereof [marked as Ex. G.25(a)] the statement of Balbir Singh Sandhu finds place. In this statement, Balbir Singh Sandhu has mentioned that for achievement of Khalistan, War in Punjab is inevitable. This statement in Ex. G.25 was also published in the Indian Express dated 8-5-1983 which

is marked as Ex. G.26. G.W.11, Retired Deputy Superintendent of Police, C.I.D. Special Branch, Chandigarh, states that his source supplied him with Ex. G.25. I have already set out the terms of the news item in detail in the preceding paragraphs. Ex. G.25 is a weekly published from the United Kingdom, and is the issue for the week ending 6-5-1983. There is absolutely nothing on record to discredit the evidence of G.W.11 and also the authenticity of Ex. G.25 published from the United Kingdom. The Statement given by Balbir Singh Sandhu as the Secretary-General of the National Council of Khalistan and published in Ex. G.25 from the United Kingdom amply establishes the 'Unlawful Activities' carried on by the National Council of Khalistan and also the propaganda being carried on against the solidarity of the Indian Union, in foreign country.

G.W.11 has also spoken to the obtaining of a letter from the office of Balbir Singh Sandhu in Room No. 23, Guru Nanak Niwas. The photostat copy of that letter is Ex. G.27. I have already detailed the contents and purport of Ex. G.27 in the foregoing paragraphs. The evidence of G.W.11 is clear, cogent and trustworthy. Ex. G.27 also amply establishes the secessionist activities carried on by the National Council of Khalistan both inside India and abroad.

On the materials placed before this Tribunal it is quite clear that the National Council of Khalistan, even after it had been declared as an 'Unlawful association' under Ex. G.1, as confirmed under Ex. G.2, has not been wound up, but it continued its unlawful activities, both inside and outside India, for the establishment of a separate Sikh State called "Khalistan", seceding from the Indian Union. This necessitated the issue of the notification under Ex. G.2. Here it is pertinent to point out that one Mr. Sulkhan Singh, Advocate, Amritsar, sent a telegram to the Tribunal that he is representing Ujjagar Singh Randhawa and Master Hazara Singh, describing them as members of the National Council of Khalistan. And one Hargurnad Singh has also written to the Tribunal expressing that he is not associated with the National Council of Khalistan. He is the cashier of the National Council of Khalistan. These facts would bear out that the National Council of Khalistan had notice of the Declaration in Ex. G.2 Notification and the functioning of the Tribunal. As per section 4(2) of the Act, the Association would have to show cause within thirty days from the date of service of notice, as to why it should not be declared "unlawful". However, none appeared in this inquiry on behalf of the National Council of Khalistan and no cause has been shown by the Council or its office-bearers or members as to why it should not be so declared. Nonetheless, it is the duty of the Central Government to show sufficient cause for declaring the Council an 'unlawful association'. The Central Government has, as discussed and decided supra, in justification of its declaration under Ex. G-2, has placed satisfactory evidence, both oral and documentary, which is neither denied nor rebutted. In pausing, I wish to make a mention that the Central Government has not adduced any evidence in support of the ground that the National Council of Khalistan has been encouraging secessionist and violent activities of the organization known as 'Dal Khalsa'.

In view of the foregoing findings, I hold —

- (i) that the Central Government has established that the office-bearers of the National Council of Khalistan are undertaking activities which are intended to bring about the secession of a part of territory of India from the Indian Union and which are intended to disrupt the sovereignty and territorial integrity of India ;
- (ii) that the National Council of Khalistan, through the Declaration of its Secretary-General, Shri Balbir Singh Sandhu, has proclaimed as its objective the establishment of an autonomous separate Sikh State of 'Khalistan';
- (iii) That the Secretary General of the National Council of Khalistan, Shri Balbir Singh Sandhu, has been extending support to the demand for 'Khalistan' a separate Sikh State in his talks with the newspaper correspondents and others and by hoisting a flag purporting to be the flag of the so-called Khalistan on the 26th January 1984 ;
- (iv) That the President of the National Council of Khalistan, Dr. Jagjit Singh Chauhan, had written to Shri Balbir Singh Sandhu regarding election of a new President for the Council and who had also issued a paper

carrying the insignia of the so-called Republic of Khalistan ;

- (v) that the office-Bearers of the National Council of Khalistan indulged in activities punishable under section 153-B of the Indian Penal Code ; and
- (6) that there is sufficient cause for the Central Government for declaring the 'National Council of Khalistan' an 'unlawful Association'.

For all these reasons I hereby confirm the Declaration made in the Notification under Ex. G-2.

The order, along with the record of the proceedings of the Tribunal in relation to the 'National Council of Khalistan' including the depositions recorded and the Exhibits filed, will be forwarded to the Central Government.

A copy of this order is directed to be forwarded to the Central Government immediately for being published in the Official Gazette of India.

(Sd) **O. R. GOKULAKRISHAN**
October 25, 1984.

[No. II/17017/53/84-IS OS.DII]
DR. SUNDEEP KHANNA, Dy. Secy.